

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESENIA DIAZ, et al.,

Plaintiffs,

-against-

MERRICK GARLAND, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/19/2024

24-cv-05553 (MMG)

ORDER

MARGARET M. GARNETT, United States District Judge:

Plaintiffs, who are represented by counsel, instituted the above-captioned action on July 29, 2024. Dkt. No. 1. On December 11, 2024, this Court canceled the previously scheduled initial pretrial conference because no summons had been issued and Defendants had not yet been served. Dkt. No. 4.

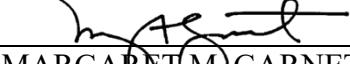
In its December 11 Order, the Court directed Plaintiffs to request issuance of a summons no later than December 16, 2024. *Id.* Instead of requesting issuance of a summons in accordance with this Court’s Order, Plaintiff’s counsel, Shahla Khan, filed a motion to withdraw as counsel, stating that Plaintiffs “have terminated [her] representation and they have retained new attorneys to represent [them] in connection with this matter.” Dkt. No. 5. As of the date of this Order, however, no new counsel has entered an appearance on behalf of Plaintiffs, and Plaintiffs have neither requested issuance of a summons nor have Defendants been served.

Accordingly, it is hereby ORDERED that, before the Court considers Ms. Kahn’s motion to withdraw, Ms. Kahn, Plaintiffs’ counsel of record, must properly request issuance of a summons no later than **December 23, 2024**. It is further ORDERED that, unless and until new counsel enters an appearance on behalf of Plaintiffs, Ms. Khan must arrange for service of Defendants in accordance with Rule 4(i) of the Federal Rules of Civil Procedure, no later than **January 31, 2025**. Failure to comply with this Order will result in dismissal of this case with prejudice for failure to prosecute with no further notice to any party.

It is further ORDERED that, in accordance with previous Orders of this Court, *see* Dkt. Nos. 2, 4, **counsel who has entered a notice of appearance as of the date of this Order are directed to (1) notify counsel for all other parties in this action who have not yet appeared by serving upon each of them a copy of this Order, the Court’s Individual Rules & Practices, and the Court’s August 1, 2024 Order (Dkt. No. 2) and December 11, 2024 Order (Dkt. No. 4), and to file proof of such notice with the Court.** If unaware of the identity of counsel for any of the parties, counsel receiving this Order must send a copy of this Order, the Individual Rules and Practices, and the August 1, 2024 and December 11, 2024 Orders to that party personally.

Dated: December 19, 2024
New York, New York

SO ORDERED.



MARGARET M GARNETT
United States District Judge